

ORIGINAL

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT NO. 1080

T04-0034

This agreement made and entered into, by and between the State of Illinois acting by and through the Illinois Commerce Commission ("COMMISSION"), The Burlington Northern Santa Fe Railway Company ("COMPANY"), Clarion Township Road District ("ROAD DISTRICT"), and the State of Illinois, Department of Transportation ("DEPARTMENT").

WITNESSETH:

WHEREAS, it has come to the attention of the Commission through informal correspondence that inquiry should be made into the matter of improving public safety at the East 0th Road highway-rail grade crossing of the Company's track located near Mendota, Bureau County Illinois, designated as crossing AAR/DOT 079 649H, milepost 86.18; and

WHEREAS, proper investigation has been made of the circumstances surrounding the aforesaid crossing by a representative of the Commission's Transportation Division Railroad Section; and

WHEREAS, the physical aspects, including geometrics of the intersection, train movements, vehicular traffic volume, and sight distances and other pertinent data relating to the crossing have been obtained and shown on Exhibit A, attached to the Agreement; and

WHEREAS, the parties are mutually agreeable to accomplish the proposed improvements upon a determination of the Commission by Order.

NOW, THEREFORE in consideration of the premises and of the mutual covenants and agreements as hereinafter contained the parties pray that the Commission enter an Order according to the provisions of Section 18c-7401 of the Illinois Commercial Transportation Law requiring that certain improvements as hereinafter stated be made and that the cost for the proposed improvements be divided among the parties according to law and that in the interest of the statewide traveling public the Grade Crossing Protection Fund of the Motor Fuel Tax Law be required to bear a substantial portion of the cost; To Wit the parties agree as follows:

Section 1 All improvements encompassed by this Agreement shall be made in accordance with all applicable State laws, rules, standards, regulations and orders and procedures in general.

DOCKETED

Section 2 The parties are of the opinion that the proper improvements in the interest of public safety at the aforesaid crossing should be:

- a) The Company should remove the existing warning devices and install new automatic flashing light signals and gates controlled by constant warning time circuitry;
- b) The Company should bring its crossing into compliance with 92 Illinois Administrative Code 1535 by raising the crossing level with the approaches or roto-mill the approaches and devil strip level with the crossing surfaces;

Section 3 The Company has prepared a preliminary estimate of cost to accomplish the proposed improvements, which it may be required to perform. Said estimate is attached as Exhibit B. The Company shall upon Order, according to the requirements contained therein, prepare detailed drawings, detailed circuit plans, estimates of cost and any required specifications for the proposed improvements for the approval of the Commission and Department.

Section 4 The Company shall upon Order, according to the requirements contained therein, proceed toward the completion of the proposed improvements, accomplishing the work with its own forces or appropriate contracted services and agrees that an appropriate time for the submission of plans should be (120) days and for the completion of the proposed improvements should be twelve (12) months, from the date of Commission Order subsequent to this Agreement.

Section 5 The parties hereto agree that an equitable division of cost for the proposed improvements should be:

- (a) The cost for the improvements listed in Section 2(a) is estimated to be \$202,398. The Grade Crossing Protection Fund should pay 90% of the actual installation cost, not to exceed \$182,158. The Company should pay any remaining installation costs, as well as all future operating and maintenance costs.
- (b) The cost for the improvements listed in Section 2(b) should be paid 100% by the Company, as well as all future maintenance costs.

Section 6 Special Provisions: The Company shall, at six (6) month intervals from the date of Commission Order subsequent to this Agreement, submit to the Director of Processing and Information, Transportation Bureau of the Commission, a written report stating the progress it has made toward completion of the work herein required. Each progress report shall include the Commission Order number, the Order date, the project completion date as noted in the Order, crossing information (inventory number and railroad milepost), type of improvement, and the name, title, mailing address, phone number, facsimile number, and electronic mailing address of Company employee

responsible for management of the project.

All bills for expenditures authorized to be reimbursed from the Grade Crossing Protection Fund shall be submitted to the Fiscal Control Unit of the Illinois Department of Transportation's Bureau of Local Roads and Streets, Illinois Department of Transportation, Central Bureau of Local Roads and Streets, Room 205, 2300 South Dirksen Parkway, Springfield, Illinois 62764. The Department shall send a copy of all bills to the Director of Processing and Information, Transportation Division of the Commission. The final bill for expenditures from each party shall be clearly marked "Final Bill". All bills shall be submitted no later than twenty-four (24) months from the date of Commission Order subsequent to this Agreement. The Department shall, at the end of the 24th month from the Commission Order date, de-obligate all residual funds accountable for installation cost for this project.

Public Act 93-0604 (effective November 21, 2003), which amends 18c-7401 (Safety Requirements for Track, Facilities, and Equipment) of the Illinois Commercial Transportation Law, requires installation of temporary STOP signs whenever the Commission authorizes the installation of automatic flashing light signals or automatic flashing light signals and gates at public highway-rail grade crossings. The temporary STOP signs shall remain in place until the luminous flashing signal or crossing gate devices have been installed. The rail carrier is responsible for the cost of the installation and subsequent maintenance of any required temporary STOP signs.

625 ILCS 5/18c-1701 and 1704 require each "person", as defined by Section 18c-1104, to comply with every regulation or order of the Commission. These sections further provide that any person who fails to comply with a Commission regulation or order shall forfeit to the state not more than \$1,000 for each such failure, with each day's continuance of the violation being considered a separate offense. While the Commission expects the parties to comply with this Order in all matters addressed herein and in a timely manner, the Commission advises the parties that any failure to comply may result in the assessment of such sanctions.

Any person making a Request For Extension Of Time up to 30 days to complete a project ordered by the Commission must file a request with the Director of Processing no later than 14 days in advance of the scheduled deadline. An Administrative Law Judge will consider and decide the request.

Any person requesting an extension of time that exceeds 30 days must file a Petition For Supplemental Order with the Director of Processing no later than 21 days in advance of the scheduled deadline. The Commission will decide Petitions For Supplemental Orders.

Requests For Extension Of Time and Petitions For Supplemental Orders must include the reason(s) the additional time is needed to complete the work and the time

within which the project will be completed. Prior to submitting a Request For Extension Of Time or a Petition For Supplemental Order, the person must notify the Commission's Rail Safety Program Administrator that it is unable to complete the project within the ordered time;

The Commission or its Administrative Law Judge reserves the right to deny Petitions For Supplemental Order and Requests For Extension Of Time, if the reason(s) supporting the request is insufficient or where it appears the person has not made a good faith effort to complete the project within the allotted time. Failure of the Commission or Administrative Law Judge to act on a pleading prior to the deadline means the originally ordered completion date remains in effect.

This Agreement shall be binding upon the parties hereto, their successors or assigns. Upon execution of this Agreement by all parties, the Commission shall enter an appropriate order, within 60 days accepting or rejecting such stipulation according to the provisions contained herein.

In Witness Whereof, the parties have caused this Agreement to be executed by their duly authorized officers, as of the dates indicated herein.

Executed by the Commission this 23RD day of February, 2004.



Michael E. Stead
Rail Safety Program Administrator

Attest:



Henry Humphries
Railroad Safety Specialist

Illinois Commerce Commission Stipulated Agreement No. 1080 concerning improvements at the East 0th Road highway-rail grade crossing of The Burlington Northern and Santa Fe Railway Company's tracks, near Mendota, Bureau County, Illinois, designated as crossing AAR/DOT # 079 649H, Milepost 86.18-A.

Executed by the **Road District** this 25th day of February 2004.

CLARION TOWNSHIP
ROAD DISTRICT

By: Gary Anderson Highway Commissioner

Attest:

K. S. Scheraga, Supervisor

RECEIVED
FEB 26 2004
Illinois Commerce Commission
RAIL SAFETY SECTION

Illinois Commerce Commission Stipulated Agreement No. **1080** concerning improvements at the East 0th Road highway-rail grade crossing of The Burlington Northern and Santa Fe Railway Company's tracks, near Mendota, Bureau County, Illinois, designated as crossing AAR/DOT # 079 649H, Milepost 86.18-A.

Executed by the **Company** this 10th day of March 2004.

THE BURLINGTON NORTHERN AND
SANTA FE RAILWAY COMPANY

By: Cheryl Smith

APPROVED AS TO FORM 3/5/04
W. B. O'Neil

Burlington Northern Santa Fe Law Department

Attest:

[Signature]

RECEIVED
MAR 15 2004

Illinois Commerce Commission
RAIL SAFETY SECTION

Illinois Commerce Commission Stipulated Agreement No. **1080** concerning improvements at the East 0th Road highway-rail grade crossing of The Burlington Northern and Santa Fe Railway Company's tracks, near Mendota, Bureau County, Illinois, designated as crossing AAR/DOT # 079 649H, Milepost 86.18-A.

Executed by the **Department** this 25th day of March 2004.

STATE OF ILLINOIS
DEPARTMENT OF TRANSPORTATION

By: Victor A. Moderec
Director of Highways

**ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT
CROSSING DATA FORM**

GENERAL INFORMATION: See Location Sketch

RAILROAD	BNSF
USDOT#, MILEPOST	079 649H, 86.18
STREET, CITY, COUNTY	East 0 th Road near Mendota, Bureau County
JURISDICTION (RDWY)	Clarion Township Road District
LOCATION	Rural
STREET SURFACE	Oil/Chip, 19' Width, Fair Condition

CROSSING DATA: See Location Sketch for roadway profile and track centers

TRACK (W-E or N-S)	SURFACE TYPE	SURFACE WIDTH	SURFACE CONDITION
Main	FDT	24'	Fair ¹
Main	FDT	24'	Fair ¹

¹ Crossings are approx. 1.5" low, solid condition; surfaces need to be raised to meet asphalt approaches, or the highway approaches and "devil strip" roto-milled to meet the existing surface elevations.

ROADWAY DATA: See Location Sketch

INTERSECTING ROADS:	None
TRAFFIC CONTROL	None
ADT & SPEED	75 Vehicles Per Day @ 55 (unposted) MPH
TRAFFIC TYPE	Passenger, School Busses, Hazardous Materials, all possible
ADVANCE WARNING	
PAVEMENT MARKING	

RAILROAD DATA: See Location Sketch

FREIGHT TRAFFIC	26 Per day @ 60 MPH; Day & Night? Yes
PASSENGER TRAFFIC	6 Per day @ 79 MPH
WARNING DEVICES	Crossbucks / Stop signs Poor Condition

NOTES:

VISIBILITY STUDY: See Location Sketch

Train Speed	79	MPH
Roadway Speed	O.O Stopped	MPH
Required Stopping Sight Distance (SSD)		
Along Roadway		FEET
Along Tracks		FEET
Required Clearing Sight Distance (CSD) (Along Tracks)	1,918	FEET

Distances calculated per American Association of State Highway and Transportation Officials (AASHTO), A Policy on Geometric Design of Highways and Streets, 2001, Fourth Edition.

QUADRANT	CSD (FT)	OBSTRUCTION	SSD (FT)	OBSTRUCTION
NE	OK		OK ¹	
NW	OK		OK ¹	
SE	OK		OK ¹	
SW	OK		OK ¹	

¹Note: OK, since crossing is equipped with Stop signs. If no Stop signs, all quadrants would be restricted due to dirt berms [approx. 200' to 500' stopping sight visibility]. If crops were in field all quadrants would have less than 100' stopping sight visibility

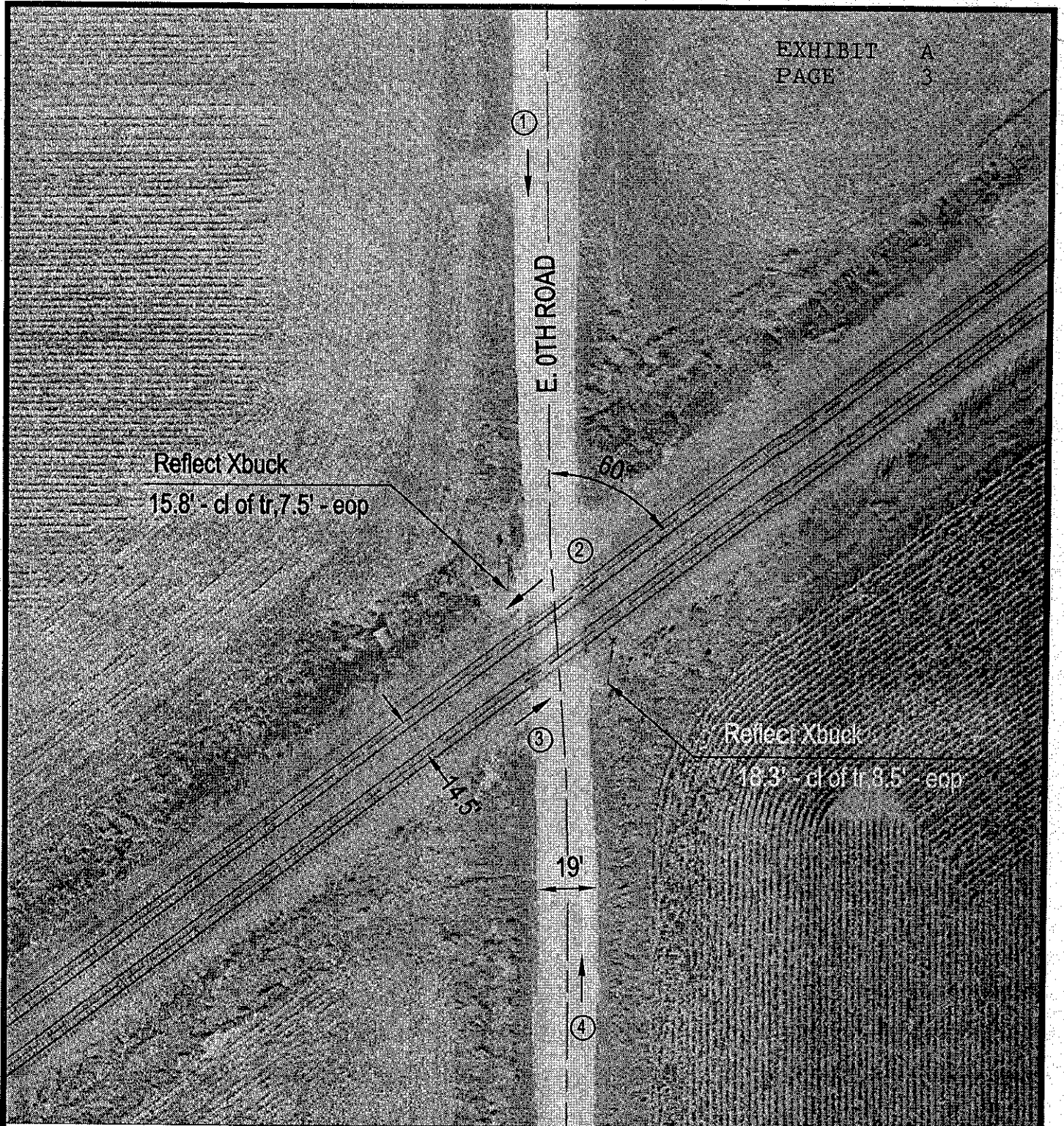
APPROACH GRADES: See Location Sketch

DIRECTION: NORTH			DIRECTION: SOUTH		
DISTANCE (FT)	ELEVATION (FT)	GRADE (%)	DISTANCE (FT)	ELEVATION (FT)	GRADE (%)
25	.2	.8	25	0	0
50	0	0	50	1.0	4

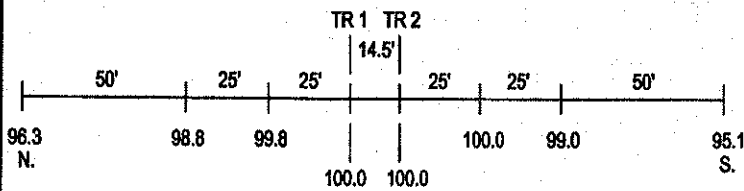
Note: Distance measured from outermost rail.

COMMENTS: For expediency, staff recommends the Grade Crossing Protection Fund (GCPF) and the Burlington Northern Santa Fe Railway Company (BNSF) each pay a portion of Clarion Township Road District's portion of the cost to install new automatic warning devices. Staff recommends the GCPF pay 90% of the installation costs with the BNSF paying all remaining installation costs, as well as all future operating and maintenance costs.

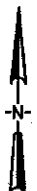
See Page Three for a Location Sketch (Aerial Photo) of the crossing.



J:\LASALLE\079649H\079649H.DWG 04/10/01 14:05 WAK



ROAD PROFILE



③ Photo Location

Crossing #: 079649H
 Location: LaSalle Co., City of Mendota (N)
 Lat/Long: 41°31'09" / 89°09'59"
 Railroad: BNSF
 Street: East 0th Road
 Railroad Milepost: 86.18
 Crossing Protection: Signs

LOCATION :	MENDOTA	LINE SEGMENT :	1	AFE NUMBER :	
PLANITEM NUMBER :	PSI079649H	MILEPOST :	0086.18	RFA NUMBER :	
PROPERTY OF :	BNSF RAILWAY COMPANY	DIVISION :	CH	CPAR NUMBER :	
OPERATED BY :	BNSF RAILWAY COMPANY	SUBDIVISION :	MENDOTA	BUDGET YEAR :	2004
JOINT FACILITY :	STATE OF ILLINOIS	TRACK TYPE :	2	BUDGET CLASS :	10
% BILLABLE (+/-) :	090.01	TAX STATE :	IL COUNTY: BUREAU	REPORTING OFFICE :	456
REQUESTER ID :	XXXX -	MATL DATE :		SPONSOR :	VP ENGIN
PROJECT TYPE :	SGX	LOCATION CODE :	381317	DEPT CODE :	MOWGH
DOT NUMBER :	079649H			DERAILMENT CODE :	

PURPOSE, JUSTIFICATION AND DESCRIPTION

INSTALL CONSTANT WARNING AND FLASHERS WITH GATES AT MERIDAN ROAD IN MENDOTA, IL. CHICAGO DIV., MENDOTA SUBDIV., L/S 0001, M.P. 86.18, DOT # 079649H

THE MATERIAL LIST BELOW REFLECTS TYPICAL REPRESENTIVE PACKAGES USED FOR ESTIMATING PURPOSE ONLY.

THEY CAN BE EXPECTED TO CHANGE AFTER THE ENGINEERING PROCESS, DETAILED AND ACCURATE MATERIAL LISTS WILL BE FURNISHED WHEN ENGINEERING IS COMPLETED.

CONTINUING CONTRACTS HAVE BEEN ESTABLISHED FOR PORTIONS OF SIGNAL WORK ON THE BNSF RAILROAD.

THIS ESTIMATE GOOD FOR 90 DAYS. THEREAFTER THE ESTIMATE IS SUBJECT TO CHANGE IN COST FOR MATERIAL, LABOR, AND OVERHEADS.

***** SIGNAL WORK ONLY *****

THE STATE OF ILLINOIS IS FUNDING THIS PROJECT APPROXIMATELY 90%. THE BNSF RAILROAD IS FUNDING APPROXIMATELY 10%.

MAINTAIN PROPRIETARY CONFIDENTIALITY

***** NOTE **** NOTE ***** FOR INTERNAL USE ONLY ***** NOTE **** NOTE *****

	CASH CAPITAL	NONCASH CAPITAL	OPERATING EXP	REMOVAL COST	BILLABLE	TOTALS
LABOR COSTS	6,496	0	0	0	58,468	64,964
MATERIAL COSTS	8,397	0	0	0	75,572	83,969
OTHER COSTS	5,347	0	0	0	48,118	53,465
TOTALS	20,240	0	0	0	182,158	202,398

ENGINEERING SERVICES - KANSAS CITY
 ESTIMATE REF. NUMBER : PSI079649H - 1--2S
 COSTING DATE : 02/09/2004

PRINTED ON : 02/09/2004
 ESTIMATED BY : CONTRACTOR
 PRINTED BY : CONTRACTOR

ACCT	CST	RSN	PPE	DESCRIPTION	QTY/ST	OT U/M	CASH	NONCASH	OPER	REMOVAL
8		400	9911	SIGNAL FIELD LABOR - CAP	840.00	0.0 MH	17,882			
* LABOR SUBTOTAL							17,882	0	0	0
1120	313	400	9911	BATTERY	1.0	EA N	5,033			
1120	313	400	9911	BERM WALL, 6'X8'X8'	2.0	EA N	5,855			
1120	313	400	9911	BUNGALOW 6X6	1.0	EA N	5,450			
1120	313	400	9911	BUNGALOW MATERIAL	1.0	LS N	5,396			
1120	313	400	9911	CABLE	1.0	EA N	2,227			
1120	313	400	9911	CHARGERS	1.0	LS N	899			
1120	313	400	9911	CONSTANT WARNING 2TKBI-DI	1.0	EA N	18,620			
1120	313	400	9911	COUPLER, TJC-1A	4.0	EA N	2,846			
1120	313	400	9911	FIELD MATERIAL	1.0	LS N	4,460			
1120	313	400	9911	FOUNDATION	2.0	EA N	870			
1120	313	400	9911	GATE KEEPER	2.0	EA N	3,550			
1120	313	400	9911	GATE MECH. MODEL 95 COMPLETE	2.0	EA N	10,062			
1120	313	400	9911	LAMP RESISTOR PANEL	1.0	EA N	735			
1120	313	400	9911	LED GATE KIT	2.0	EA N	732			
1120	313	400	9911	LED LIGHT COST ADJUSTMENT	8.0	EA N	2,032			
1120	313	400	9911	LIGHT OUT DETECTOR	1.0	EA N	659			
1120	313	400	9911	MISC. MATERIAL	1.0	EA N	1,500			
1120	313	400	9911	RECORDER	1.0	EA N	2,145			
1120	313	400	9911	RTU-6, CELLULAR MONITOR	1.0	EA N	2,060			
1120	313	400	9911	SHUNT, NBS	4.0	EA N	1,196			
* MATERIAL SUBTOTAL							76,327	0	0	0
1120	367	400	9911	CONTRACT ENGR.	1.0	EA N	6,000			
1120	790	400	9911	FILL DIRT	30.0	CY N	750			
1120	790	400	9911	SURFACE ROCK	40.0	CY N	1,000			
* OTHER SUBTOTAL							7,750	0	0	0
* ADDITIVES										
				PAYROLL ASSOCIATED COSTS			14,425			
				EQUIPMENT EXPENSES			4,490			
				DA LABOR OVERHEADS			16,090			
				INSURANCE EXPENSES			2,819			
				USE TAX			5,000			
				OFFLINE TRANSPORTATION			951			
* GANG TOTAL							145,734	0	0	0
8		400	9911	SIGNAL SHOP LABOR - CAP	80.00	0.0 MH	1,764			
* LABOR SUBTOTAL							1,764	0	0	0
* ADDITIVES										
				PAYROLL ASSOCIATED COSTS			1,423			
				EQUIPMENT EXPENSES			442			
				DA LABOR OVERHEADS			1,587			
				INSURANCE EXPENSES			278			
* GANG TOTAL							5,494	0	0	0
8		411	9911	ELECTRICAL LABOR F/POWER TRANS SYS	54.00	0.0 MH	1,209			
* LABOR SUBTOTAL							1,209	0	0	0
1120	319	410		MATERIAL FOR ELECTRICAL	1.0	EA	1,500			
* MATERIAL SUBTOTAL							1,500	0	0	0
1120	410	400	9911	AC POWER SERVICE	1.0	EA	26,400			
* OTHER SUBTOTAL							26,400	0	0	0
* ADDITIVES										
				PAYROLL ASSOCIATED COSTS			975			
				EQUIPMENT EXPENSES			303			
				DA LABOR OVERHEADS			1,087			
				INSURANCE EXPENSES			190			
				MATERIAL HANDLING			75			
				USE TAX			98			
				OFFLINE TRANSPORTATION			18			

ACCT	CST	RSN	PPE	DESCRIPTION	QTY/ST	OT U/M	CASH	NONCASH	OPER	REMOVAL
* GANG TOTAL							31,855	0	0	0

PROJECT SUBTOTAL							183,083	0	0	0
CONTINGENCIES							18,308	0	0	0
BILL PREPARATION FEE							1,007	0	0	0
PROJECT GROSS COST							202,398	0	0	0
LESS COST PAID BY OTHERS							182,158	0	0	0
PROJECT NET COST							20,240	0	0	0

***** MAINTAIN PROPRIETARY CONFIDENTIALITY *****

THE B. N. S. F. RAILWAY COMPANY
FHPM ESTIMATE FOR
STATE OF ILLINOIS

LOCATION:- MENDOTA DETAILS OF ESTIMATE PLAN ITEM: PSI079649H VERSION: 1

PURPOSE, JUSTIFICATION AND DESCRIPTION

INSTALL CONSTANT WARNING AND FLASHERS WITH GATES AT MERIDAN ROAD IN MENDOTA, IL. CHICAGO
DIV., MENDOTA SUBDIV., L/S 0001, M.P. 86.18, DOT # 079649H

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FUNDING APPROXIMATELY 10%.

MAINTAIN PROPRIETARY CONFIDENTIALITY

DESCRIPTION	QUANTITY	U/M	COST	TOTAL \$

LABOR				

ELECTRICAL LABOR F/POWER TRANS SYS	54.00	MH	1,209	
SIGNAL FIELD LABOR - CAP	840.00	MH	17,882	
SIGNAL SHOP LABOR - CAP	80.00	MH	1,764	
PAYROLL ASSOCIATED COSTS			16,823	
EQUIPMENT EXPENSES			5,235	
DA LABOR OVERHEADS			18,764	
INSURANCE EXPENSES			3,287	
TOTAL LABOR COST			64,964	64,964

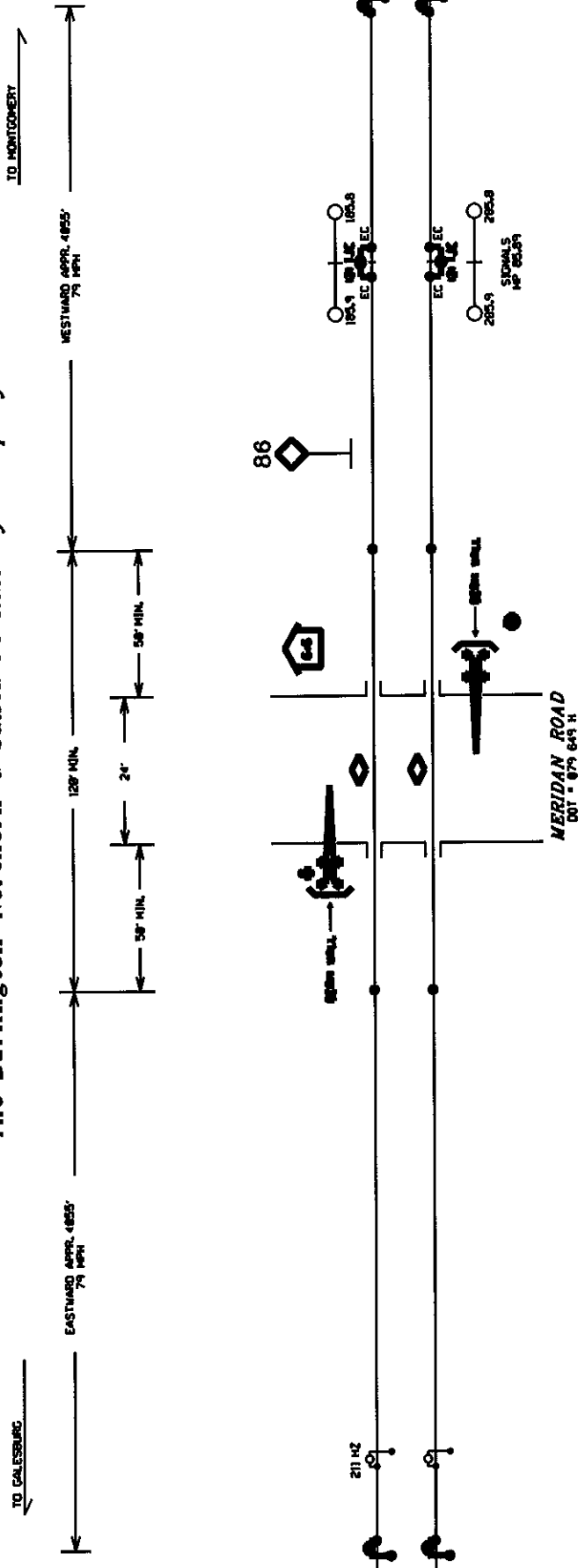
MATERIAL				

BATTERY	1.00	EA N	5,033	
BERM WALL, 6'X8'X8'	2.00	EA N	5,855	
BUNGALOW 6X6	1.00	EA N	5,450	
BUNGALOW MATERIAL	1.00	LS N	5,396	
CABLE	1.00	EA N	2,227	
CHARGERS	1.00	LS N	899	
CONSTANT WARNING 2TKBI-DI	1.00	EA N	18,620	
COUPLER, TJC-1A	4.00	EA N	2,846	
FIELD MATERIAL	1.00	LS N	4,460	
FOUNDATION	2.00	EA N	870	
GATE KEEPER	2.00	EA N	3,550	
GATE MECH. MODEL 95 COMPLETE	2.00	EA N	10,062	
LAMP RESISTOR PANEL	1.00	EA N	735	
LED GATE KIT	2.00	EA N	732	
LED LIGHT COST ADJUSTMENT	8.00	EA N	2,032	
LIGHT OUT DETECTOR	1.00	EA N	659	
MATERIAL FOR ELECTRICAL	1.00	EA	1,500	
MISC. MATERIAL	1.00	EA N	1,500	
RECORDER	1.00	EA N	2,145	
RTU-6, CELLULAR MONITOR	1.00	EA N	2,060	
SHUNT, NBS	4.00	EA N	1,196	
MATERIAL HANDLING			75	
USE TAX			5,098	
OFFLINE TRANSPORTATION			969	
TOTAL MATERIAL COST			83,969	83,969

OTHER				

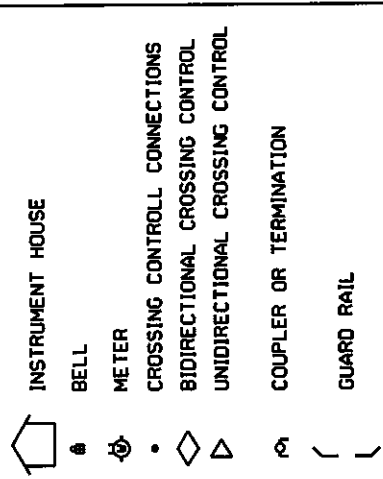
AC POWER SERVICE	1.00	EA	26,400	
CONTRACT ENGR.	1.00	EA N	6,000	
FILL DIRT	30.00	CY N	750	
SURFACE ROCK	40.00	CY N	1,000	
TOTAL OTHER ITEMS COST			34,150	34,150
PROJECT SUBTOTAL				183,083
CONTINGENCIES				18,308
BILL PREPARATION FEE				1,007
GROSS PROJECT COST				202,398
LESS COST PAID BY BNSF				20,240
TOTAL BILLABLE COST				182,158
				=====

The Burlington Northern & Santa Fe Railway Company



INSTALL: GATES & FLASHERS
CONTROL DEVICES: CONSTANT WARNING

80.0 - IN
~~80.0 - IN~~ - OUT
SALVAGE: NONE



Warning device placement:
Clearance to C.L. Track = Min. 12', Max. 20'
Edge of Road to C.L. Foundation:
Min. 4' with curb,
Min. 8' without curb,
Max. 12'
House Clearance: 25' Min. to C.L. of Track
Front Lights: LED
Back and Side Lights: LED
Cantilever Jury Mast: LED

BNSF RAILWAY CO.
MENDOTA, IL.
MERIDIAN ROAD
LS: 0001
M.P. 86.18
DOT = 079 649 H
DIVISION CHICAGO
SUBDIVISION MENDOTA
KANSAS CITY
NO SCALE
DATE: 02/09/04
FILE: 0001086 18.dgn
MJ/SSE